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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,614	08/16/2005	Jozsef Szilagyi	EMRI-002 (20-2288-TEKE)	9762
62479	7590	09/12/2007	EXAMINER	
HAHN & VOIGHT PLLC 1012 14TH STREET, NW SUITE 620 WASHINGTON, DC 20005			PASSANITI, SEBASTIANO	
			ART UNIT	PAPER NUMBER
			3711	
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			09/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/520,614

Applicant(s)

SZILAGYI, JOZSEF

Examiner

Sebastiano Passaniti

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on see detailed Office action.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office action is responsive to communication received 05/29/2007 –

Remarks and Oath; 06/07/2007 – Claims.

Claim 6 has been canceled, as directed.

Claims 1-5 and 7-21 remain pending.

Following is an action on the MERITS:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 9 STAND rejected under 35 U.S.C. 102(b) as being anticipated by Rardon (U.S. Patent 3,857,562). As to claim 1, note turbo playing unit (14) and lane plate (26). The support structure includes elements (35, 36, 37, 38, 39) and enables tilting (i.e., sloping, inclining, slanting) of the lane plate. See column 3, lines 13-30. As to claim 5, Figure 1 clearly shows a rectangular lane plate (26). As to claim 9, projector (14) serves as part of a turbo-bowling game, as best understood.

Claims 1 and 9 STAND rejected under 35 U.S.C. 102(b) as being anticipated by Bayer (U.S. Patent 2,048,915). As to claim 1, note turbo playing unit or pistol (11) and lane plate or main floor (1). The support structure includes elements (23, 24, 25) and enables tilting (i.e., sloping, inclining, slanting) of the lane plate. See page 2, column 1,

Art Unit: 3711

and lines 3-8. As to claim 9, pistol (11) serves as part of a turbo-bowling game, as best understood.

Claims 1, 2 and 9 STAND rejected under 35 U.S.C. 102(b) as being anticipated by Laszlo (U.S. Patent 3,934,880). As to claim 1, note the turbo player unit (14) shown in Figure 4 and lane plate (10). See column 2, lines 26-65, wherein Laszlo details that the slope of the lane (10) may be adjusted; thus, the lane plate may tilt. As to claim 2, Figure 4 shows the claimed whirling top configuration. As to claim 9, the turbo player unit (14) serves as part of a turbo-bowling game, as best understood.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-5 and 7-9 STAND rejected under 35 U.S.C. 103(a) as being unpatentable over King (U.S. Patent 1,215,033) in view of Wilson (U.S. Patent 1,502,365) and Constant (U.S. Patent 2,247,769). The patent to King lacks bowling pins as well as a globe head and globe shell arrangement. The secondary teaching to Constant obviates the use of bowling pins as targets (Figure 6). Clearly, the depressions (20, 21) in King serve as suitable targets for the projectile or balls set into motion. One of ordinary skill in the art would have found it obvious to modify the configuration of the targets in King commensurate with the theme of the game being played. In this case, a table bowling game would lend itself to include targets in the

shape of bowling pins merely to enable the simulated table game to more closely resemble the items often associated with an actual bowling game. Of further interest is the fact that King already provides a tilting surface. Here, the skilled artisan would have learned from a reading of the teaching reference to Wilson that a globe and shell arrangement produces similar advantages in that the globe and shell arrangement likewise offers pivotal movement for the table surface. See Figure 2 and element (3) in Wilson. In view of the patent to Wilson, it would have been obvious to modify the device in the cited art reference to King by replacing the structural elements (17, 18, 19) with a globe head and globe shell arrangement, the motivation simply being to take advantage of another mechanical expedient for creating a slant or incline in the playing surface during the game. Regarding the remaining limitations in the claims and with respect to King, note that handles (5) may serve as the claimed turbo player unit. As to claim 5, the lane of the playing surface is rectangular in design and the length of the lane appears to be at least three times the width of the lane. As to claim 7, note the symmetric arrangement of the target apertures to either side of a midline of the playing lane. As to claim 8, either end of the longitudinal lane presents a "starting line" from which one may consider the commencement of the game. As to claim 9, here again the handles serve as a part of the turbo-bowling game.

Claims 10-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laszlo (U.S. Patent 3,934,880) in view of King (U.S. Patent 1,215,033), Torgow (U.S. Patent 3,863,925) and Kaiser (U.S. Patent 4,783,352). The patent to Laszlo details the applicant's basic inventive concept and includes a turbo player unit (i.e., a spinning top)

Art Unit: 3711

and bowling pins, wherein the board game surface may be tilted to a desired position. Laszlo differs from the claimed invention in that Laszlo does not include a globe head and globe shell arrangement for the setting device, does not include the specific materials for the whirling top, bowling pins and game board surface, does not include a symmetrical arrangement of starting cycles and pin stands and lastly does not include a starting line. King shows it to be old in the art to provide a board game surface with a tilting arrangement that more closely mimics the movement of the claimed globe head and globe shell by enabling the game board surface to tilt about a central position, much in the same way that a ball and socket joint enables rotation between two mating parts. While the specific traits of the globe head and shell, as required by claims 16 and 17, are not detailed by King, it is clear from a reading of the further teachings to Torgow and Kaiser that ball and socket joint-type connections are well known. See elements (20, 21) in Kaiser. See column 2, lines 62-67 in Torgow. In view of the patents to Kaiser and Torgow, it would have been obvious to modify the device in the cited art reference to King by providing a globe head and shell arrangement, the motivation being simply substitute another style of tilting support for the game board. With respect to the remaining limitations in the claims and with respect to claim 11, see Figure 4 in Laszlo for a showing of the whirling top and its features. Specific to claims 13-15, the selection of the specific materials for the whirling top, bowling pins and lane plate by the skilled artisan would have been obvious based in part upon the cost and availability of materials and the manufacturing techniques used to build the game. It is noted that the applicant has not invented the claimed materials. Moreover, selection of known

Art Unit: 3711

materials to take advantage of the properties of the materials has long been established as being obvious to one of ordinary skill in the art. See In re Hopkins 145 USPQ 140.

As to claims 12, 16 and 17, note that at the very least the Kaiser teaching discloses the desirability of being able to rotate the display through the ball and socket joint, while enabling the display to remain in a set position each time it is moved. The specific claimed mechanisms employed, in this case an anti-skidding rubber slab, adhesion of the mating globe head and shell surfaces and lithographic chalking creating adhesion of the rasping surfaces of the globe head and shell, are all deemed to be obvious mechanical expedients that enable a modified ball and socket movement of the parts that are linked together. As to claim 18, Laszlo shows a rectangular lane plate. As to claim 21, the intersection of either one of the two end surfaces at the short ends of the lane plate with the vertical upstanding border of the game board in Laszlo may be considered to represent a starting line. As to claim 19, King obviates the inclusion of a board length that has a lane plate including a length dimension that is at least three times the dimension of the width of the lane. As to claim 20, the claimed arrangement of the various features on the game board are considered to be related more to the particular theme of the game being played rather than being features considered as novel or unobvious over the prior art structures. Here, King at least obviates the inclusion of a symmetrical arrangement of the board game layout. Although King does not disclose bowling pins, it is clear that the combination of King and Laszlo obviates the use of bowling pins, pin stands and a symmetrical game board layout.

Response to Arguments

In the arguments received 06/07/2007, the applicant contends that the prior art reference to Rardon enables the level of the playing field to be adjusted prior to the beginning of the game. The applicant further contends that the prior art device to Bayer only shows pivoting in a horizontal plane. Next, the applicant contends that Laszlo enables leveling of the game board before the beginning of the game. Last, the combination of prior art devices to King, Wilson and Constant is argued as showing pivotal support from the beginning to the end of the game, with none of these references detailing a fixed joint.

In response to these arguments, it is noted that none of claims 1-5 and 7-9, as now amended, detail any of the features argued by the applicant. None of claims 1-5 and 7-9 include structure relating to the pivotal or tilting motion of the game board after play has begun. Claimed subject matter, not the specification, is the measure of invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art. See In re Self, 213 USPQ 1, 5 (CCPA 1982); In re Priest, 199 USPQ 11, 15 (CCPA 1978).

Insofar as the arguments advanced for new claims 10-21, applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 3711

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 571-272-4413. The examiner can normally be reached on Monday through Friday (6:30AM - 3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene L. Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Art Unit: 3711

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.Passaniti/sp
September 2, 2007


Sebastiano Passaniti
Primary Examiner